

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

¹ The Department had terminated the petitioner's prior eligibility for Food Stamps and VHAP in 2006, and the petitioner had not appealed.

receipts, or other verification of them. On March 1, 2007 the Department sent the petitioner a notice denying benefits for these programs due to a lack of verification necessary to determine the petitioner's net income.

2. On March 16, 2007 the petitioner submitted verification of his self-employment income, but nothing regarding his claimed expenses. On March 16, 2007 the Department notified him that his application for Food Stamps was denied for being over income. The petitioner filed the instant appeal on April 2, 2007.

3. The petitioner maintains that he is self employed in a photography business, but that he has never filed federal income taxes. The petitioner has repeatedly represented that he keeps written receipts of his income and expenses.

4. Status conferences in this matter have been held both in-person and by phone on April 25, May 7, May 15, July 17, and August 17, 2007. At each one (until the last) the petitioner was granted an extension of time to file receipts of claimed business expenses he said he could provide to the Department. At the last status conference the petitioner did not dispute the Department's representation that it had credited as business expenses each and every item for which the petitioner had submitted a written receipt. However,

even after deducting all the verified expenses from his reported gross income, the petitioner's net income remained far in excess of the eligibility maximums for the programs he had applied for.

ORDER

The Department's decisions are affirmed.

REASONS

The Department has authority under the Food Stamp regulations to establish reasonable verification requirements for any "factor which affects household eligibility or allotment level". Food Stamp Manual § 273.2(f)(3). The regulations also provide that "the household has primary responsibility for providing documentary evidence to support statements on the application and to resolve any questionable information". Id. § 273.2(f)(5). Although the same regulations require the Department to provide reasonable assistance to households in obtaining verification, this is not at issue in this case. Here the petitioner has never claimed that he is *unable* to verify his claimed business expenses, he has simply, and inexplicably, failed to do so.

The Fuel Assistance program provides that self-employment income be calculated according to Food Stamp

rules. W.A.M. § 2904.2. Fairness, consistency, and common sense dictate that the verification requirements of the Food Stamp program also apply. The VHAP regulations require that self-employment income and expenses be verified based on "tax returns and business records". *Id.* § 4001.81(d).

To date, the petitioner has not provided any reliable verification of his claimed business expenses. Such basic and necessary eligibility information is precisely what the verification requirements in the above regulations are intended to address. Inasmuch as the Department's decisions in this matter are clearly in accord with the pertinent regulations, the Board is bound to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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